

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

Trustees of the Plumbers and	)	
Pipefitters National Pension,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:09cv377 (GBL)
	)	
Hebron Plumbing and Heating,	)	
Inc.,	)	
	)	
Defendant.	)	

ORDER

THIS MATTER is before the Court on the August 26, 2009, Report and Recommendation of Magistrate Judge Ivan D. Davis, regarding Plaintiffs Trustees of the Plumbers and Pipefitters National Pension and the International Training Fund's unopposed Motion for Default Judgment against Defendant Hebron Plumbing and Heating, Inc. ("Hebron"). This case concerns Hebron's alleged failure to pay into the Plaintiff employee fringe benefit plans under Sections 502 and 515 of the Employment Retirement Income Security Act of 1974, 29 U.S.C. §§ 1132 and 1145, and under Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185(a).

Federal Rule of Civil Procedure 72(b) provides that a magistrate judge may hear a dispositive motion, without the consent of the parties, and recommend the disposition of the matter to a district judge. FED. R. Civ. P. 72(b). A party must

serve any objections to the magistrate judge's recommendation within ten (10) days of being served with a copy of the order.

*Id.* The district judge to whom a case is assigned should make a *de novo* determination on the record, or receive additional evidence, on any portion of the magistrate judge's disposition to which a party has made a specific written objection. *Id.*

Here, Defendant was served by private process on April 29, 2009, through its registered agent and president. The Clerk entered default on July 27, 2009. Defendant failed to appear at the scheduled August 21, 2009, hearing, after which time the magistrate judge took the case under advisement. Hebron has not responded to the Complaint and Federal Rule of Civil Procedure 55 allows this Court to grant a motion for default judgment where a party has failed to plead or defend against a claim. FED. R. Civ. P. 55.

Magistrate Judge Davis has recommended that the Court enter default judgment against Hebron in favor of the National Pension Fund in the following amounts, with interest accruing at the rate of twelve percent (12%) from August 14, 2009, until paid: \$9,706.20 in unpaid contributions; \$612.58 in accrued interest through August 14, 2009; \$970.62 in liquidated damages; and \$1,701.29 in reasonable attorneys' fees and costs. The total recommended award for the National Pension Fund is \$12,990.69.

Magistrate Judge Davis further recommended that the Court

enter default judgment against Hebron in favor of the International Training Fund in the following amounts, with interest accruing at the rate of twelve percent (12%) from August 14, 2009, until paid: \$308.12 in unpaid contributions; \$19.45 in accrued interest through August 14, 2009; and \$61.62 in liquidated damages. The total recommended award for the International Training Fund is \$389.19.

Neither party has filed objections within ten (10) days after being served with the magistrate judge's recommendation. Therefore, the Court adopts Magistrate Judge Davis's Report and Recommendation *in toto*. Accordingly, it is hereby

ORDERED that default judgment be ENTERED against Hebron Plumbing and Heating, Inc., in favor of Plaintiff National Pension Fund in the following amounts, with interest accruing at the rate of twelve percent (12%) from August 14, 2009, until paid: \$9,706.20 in unpaid contributions; \$612.58 in accrued interest through August 14, 2009; \$970.62 in liquidated damages; and \$1,701.29 in reasonable attorneys' fees and costs, for a total award of \$12,990.69. It is further

ORDERED that default judgment be ENTERED against Hebron Plumbing and Heating, Inc., in favor of Plaintiff International Training Fund in the following amounts, with interest accruing at

Entered this 20<sup>th</sup> day of November, 2009.

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